The Dean's Report

The Office of the Dean expresses its gratitude to the Editors of the Barrister in reserving this space in its first edition in several years for these few comments.

We extend welcome to the largest First Year Class in the history of the Law School. It is sincerely hoped that both the new and returning students will find new dedication, renewed strength and constructive efforts, to make this student body not only the largest, but also the most productive student body in the history of the School.

We have a faculty and staff that stand ready to be of assistance to you. There are several enrichment programs, such as the Student Bar Association and its monthly seminars, the Law Journal, The Barrister and the moot Court Competitions, in which we urge your participation and full co-operation.

This office, also, wishes to apologize for the crowded conditions under which you are undertaking to perform your maximum study. However, in the very near future, work on the expansion of these facilities is expected to be commenced.

In the meanwhile, in view of our present size, there are certain housekeeping chores that should be observed. Remember that a misplaced book is a lost book. We earnestly ask you to

(Continued on page four)

Law Students and Faculty Draft Landlord / Tenant Bill

House Bill 673 is an attempt to restructure North Carolina's 100 year old Landlord and Tenant laws.

The bill, introduced in the State Legislature by Representatives Michaux, Frye, Johnson and Webster, drafted by students and a faculty member of NCCU Law School. Drafters of House Bill 673 include Stanley Sprague, Marilyn McDonald, George Brown and Harold R. Washington. The bill, based upon the model Uniform Landlord/Tenant Residential Act, was tailored to fit the needs and problems facing North Carolina tenants.

After House Bill 673 was sent to the Legislature, the N.C. Association of Realtors drafted an amended version of a Landlord/Tenant Bill for consideration.

The existing North Carolina landlord-tenant laws give tenants the right to pay their rent and nothing else. House Bill 673 would:

- Specify defects that would render the premises uninhabitable and give the tenant the right to terminate the tenancy.
- Allow tenants to make repairs and deduct from their rent up to $100 or one-half of one month's rent if the landlord does not respond to a notice concerning the defective conditions.
- Prohibit a landlord from increasing rent, decreasing services or evicting a tenant if that tenant has complained to governmental officials or joined a tenants' union.
- Cover all residential units within the state including public housing and agricultural tenancies.

Law Day Committee Presents Juvenile Justice Forum

On October 16, 1973, the NCCU Law Day Committee presented the first of a series of curriculum enrichment forums.

The first forum was entitled "Juvenile Justice" and featured the Honorable William S. White, presiding judge of the Cook County (Chicago, Ill.) Juvenile Court.

Judge White, who was most recently featured in a lead article in Ebony Magazine, traced the history of the juvenile court system in America, and concluded that the system has not progressed greatly since its inception in 1899.

Judge White pointed out that both probation officers and police officers invariably have greater discretion than judges in juvenile matters and such broad discretion, "leaves me uncomfortable when they are given authority we don't have as judges."

Judge White said that being adjudged a delinquent is almost as bad as being labeled a felon.

Judge White attributed the slowness of recognition of juveniles' rights to the presence of social workers in the juvenile court.
OUR INTENTION

It is with great enthusiasm that we, the staff of the Barrister, embark on a revival of this newspaper. It is our intention that this paper be one of a professional nature, disseminating information concerning the Law School, and reflecting major events on the undergraduate level. In accomplishing this goal, it will be necessary that the highest degree of editorial scrutiny be used in editing all articles submitted.

Each printed edition of the paper will contain a column featuring "The Alumni of The Month." All Alumni of North Carolina Central University School of Law are eligible for this recognition. Each recognized alumnus will be chosen by the staff and will receive a copy of the edition in which he or she will be honored.

In honoring alumni of the School of Law, we are attempting to achieve a two-fold purpose. First, to show those of you who have graduated in the years past and are about your chosen fields, that we recognize your achievements, for they are the achievements of the North Carolina Central University School of Law. In doing these things, we the staff sincerely hope that the Alumni will come forward and assist the School of Law in its program.

At this juncture, we think it particularly important that we reflect the view of this paper in regard to what we will print and how we will print it. Letters to the editors expressing views and opinions will be treated as such. Letters to the editor must be signed. Editorial commentary will be on any and all newsworthy events, on the campus, in the Durham community or on the national scene.

There will be no administrative censorship of this paper; the First Amendment assures Freedom of the Press. Joyner v. Whiting, 477 F. 2nd 456, 341 Supp. 1244 assures it to us here.

The Editors.

ADVISER'S STATEMENT

The University community has been without a systematic means of communication since December, 1971.

It was during this period that the President (now Chancellor) of the University withheld financial assistance from the Campus Echo (the undergraduate student newspaper) on the ground that publication did not meet "standard journalistic criteria," nor did it "represent fairly the full spectrum of views on this campus."

The federal District Court refused to enjoin the President's clearly unconstitutional actions (Joyner v. Whiting, 341 F. Supp. 1244.)

The Fourth Circuit Court of Appeals, never known for its liberal slant, reversed the District Court's holding, stating that, "...if a college has a student newspaper, its publication cannot be suppressed because college officials dislike its editorial comment." (Joyner v. Whiting, 477 F. 2nd 456 (1977))

At that juncture, it is obvious my duty to assist the editorial staff in maintaining a creditable level of journalism.

However, in keeping with constitutional guarantees (Joyner v. Whiting, supra and New York Times v. U.S., 403 U.S. 713 (1971)), there will be no prior restraint on submitted opinions. Those expressions which are submitted, but which are not deemed up to the level of journalistic indicated, will be treated as letters to the Editor.

To echo the opinion of Mr. Justice Black in New York Times v. U.S., "In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its role in our democracy......to serve the governed, not the governors. The press was protected so it would bare the secrets of the government and inform the people." The underlying premise, of course, is that information is the basis of an educated public and in a community of scholars, we should be ever striving toward education.

Michael L. McKINNON

Before entering school I was fascinated with the workings of the Law, and so far nothing has occurred to change my feelings on the subject.

The work required has not been easy, but at the volume of the work is a constant problem in relation to time. Knowing that the end goal is to read library reading to be done can put a lot of pressure on a first-year student. In criticism here, I would like to see the library stay open later than it has been. If necessary, all night.

I guess probably the biggest problem which I have faced is the relation to the proper approach in handling a particular legal problem. Knowing how to attack a problem is an important aspect of rules of law rather than normal everyday life can really be difficult.

A particular problem is one that I feel is common among first-year students. The proper approach is taught during the first semester, but I do not think this is such a good idea. If a first-year student is taught how to do a proper brief, what to look for, how to approach the problem, how to use the library materials, etc., BEFORE school begins, it will be difficult for me to walk around "shaking your head" for the first two months of school. To go farther, I am suggesting that it would be more beneficial to first-year students if there were a class offered in the summer before entering school, or the first one or two weeks of school. I am sure that the school has lost a number of potentially great lawyers because they were left in the starting blocks at the beginning of school. Whether this is a problem which can be alleviated or not I do not know, but I do feel that it should be taken into careful consideration.

So far, the study of law has been everything I thought it would be. I am definitely looking forward to the day that I am able to finish and put some of my "learning" to good use.

JOSEPH REID

In my undergraduate years I thought of the law as the epitome of knowledge and sound reasoning, only to find it is not. The hard and arduous is thought. I thought of the lawyer as the symbol of justice and equality, only to find his role is one of manipulation and deception. Realizing that there is a little corruption in us all, never did I think it was to the extent that can be seen in day to day lawyers. As brought out in the Watergate hearings and the different political scandals that have swept the nation recently, the lawyers code of ethics is under direct attack. Never before have so many lawyers been involved in such unethical affairs. I think I am very happy that no Blacks were involved in these scandals, for I feel sure that they would have been used as political scapegoats.

These are some of the issues that I have come to realize in the last seven weeks. As I learn more and more about what the law should be, I begin to clearly see what it is not. It has been said that in order to know the right answer one must ask the right questions based on the information acquired. I am gaining knowledge and understanding. I am beginning to ask the right questions.

Understanding these things now I know at least what direction I should move. In a white world with white laws, as a black man trying to learn and enforce these laws I know now what business I should be about. Understanding now that things are not very cut and dry, I must address myself to those issues which most affect me as a black man. I must try and touch base with those issues which are important to me and my race.

In dealing with the issue of race and justice or race equality I can not help but feel bitter toward the system. I wonder what it stands for. I must, however, be ever aware that I am a part of that system and that I must go through it in order to bring about change within it. I must become an active leader within it in order to be in a position to bring a change that will affect the greatest number of my race. Hopefully, I will succeed in this endeavor. That is why I know now that this disappointment that I feel must be endured.

DONALD L. MURPHY

My feelings during the first week of Law School were ones of fear, doubtfulness, and anxiety. Fear was caused by the fact that I had received numerous requests, prior to enrolling here, as to why I should not come to North Carolina Central University Law School, but to go elsewhere. At that time I did not know whether I had made the right decision or not.

I was doubtful of my own ability and constantly questioned myself as to whether or not I possessed the ability to succeed in Law School. Anxiety existed because I was ready to start the study of law but I seemed as if it would never begin. Now that a couple of weeks have elapsed I can now review the situation.

The fear I had is completely gone. I believe I made the right decision in coming here. My doubtfulness does not exist. If I doubt my own ability how can I expect my clients to have confidence in me? Now regarding anxiety, well, it's still there but, because of the massive amount of assignments that have to be completed, my anxiety has now diminished.

LINDA HARALSON

Law school is a dream that has become a reality to me. I cannot believe that I am finally in law school. I have found the study of law to be different from any of my subjects in undergraduate school. Recent law school graduates gave me a slight orientation of law school and I am testifying to the fact that law school "ain't no bed of roses." I have received more legal concepts than the average person has during his life. At this point, I am frightened to death.

Comments from recent graduates of the law have indicated that the study of law is not easy. I can testify to that as being a valid statement. Right now, I feel disoriented, disappointed and confused. Exhaustion is due to long, hard hours of reading cases and deep concentration which leaves my mental capacity limping. Humiliation comes from the sleepless nights, headaches and the feeling of being accomplished a "damned thing" after all of my preparation.

Disappointment comes from the feeling that I have completed half of a semester and my grades indicate that I need to start from the beginning. Confusion is due largely to my earlier self-confidence in being able to master the subjects and after the mid-term exams I now perceive the subject matter at its lowest peak. I ask myself "where do I go from here?" Answer--go to chapter one, page one of each subject. At this point, I start all over again.

I look forward to the finals but this is no fun at all. I have had nightmares about school and it is frightening to think what the result may be. "Think positively," I say, but how will that help when I get to the intersection and I don't know which route to take, so I head back down the same road.

MUTUAL

SAVINGS
AND LOAN

ASSOCIATION

Where You Save Does Make A Difference

112 W. Parrish St.
Durham, N. C.
CAVEAT EMPTOR ON CAMPUS

Reprinted by permission of Consumer Reports, January, 1972.

How life-insurance agents sell policies to students on credit. The technicalities are complex, but the general advice is simple: Don't buy.

With college costs running as high as $8,000 a year for a four-year student, and parents' incomes can do without needless expenses. And the last thing most college students are looking for is more insurance. As we have said in "The Consumers Union Report on Life Insurance," the need for insurance arises mainly with the birth of children. The life of the father or mother, or both, may have to be insured if they are the breadwinners, and the children will be dependent until they grow up. Unless a college student has children, as a rule he shouldn't need any.

Many insurance companies don't agree with that rule and certainly don't abide by it. The life-insurance companies are a familiar figure on many campuses and at other learning institutions. Charles W. Alexander, an agent of Cotton States Life of Memphis, writes in the trade journal Life Insurance Selling: "The college insurance man makes it a general practice to sell policies on credit to the college students. Most college students are contacted four to six times a year by insurance agents." One of CU's medical consultants, the head of a hospital training program for intern and resident physicians, has observed that his students are approached by insurance men five or six times per week. An industry survey of more than 300 life-insurance companies turned up 20 per cent with sales programs aimed at college students and young professionals. CU's consultant learning enough to pay the premiums.

Buy now, pay later

Insurance men approach the premium-paying problems by offering to finance the first annual premium, and frequently the second, with a loan to be paid off perhaps five years later. The interest is payable over that period at an annual percentage rate of 6 to 8 per cent or more. In many plans the policyholder pays interest on the interest, too.

The five-year promissory note with a $10,000 College Master insurance policy sold by Fidelity Union Life of Dallas to a 21-year-old student had an annual interest rate of 8.5 per cent. The compounded finance charge over the period of a loan of $151 came to $76.07. A finance company owned by Fidelity Union makes the loans as well as the insurance. CU has written to the Federal Reserve Bank of Dallas. According to the authoritative "Best's Insurance Reports," Fidelity Union Life "has extensively developed the college senior and graduate market through its specialized college division and now more than one-half of its insurance in force is in this market." The big sellers, such as National Life and Accident of Nashville, Jefferson Standard of North Carolina, Shenandoah National Life of Virginia, American United Life of Indianapolis, Indianapolis Lincoln Life, Lincoln National of Fort Wayne and Provident Mutual Life Insurance (Indiana seems to be a center of the college insurance business), supply their agents with a note made out to a bank in the home-office city.

Such a note, signed by a college student-policymaker, is one of the safest loans imaginable, from the creditor's standpoint. First of all, payment is almost always guaranteed. The agent can cancel the policy and obtain a dealer reserve. For every financed insurance policy an agent sells, a certain percentage of the commission is withheld by the insurance company and turned over to the bank or finance company. (The commission on the first annual premium of a life-insurance policy of the kind sold to college students is a handsome 50 to 75 per cent, depending on the agent. Eventually he gets his commission money from the lender unless the student defaults on the premiums. In that case, either the agent or the insurance company will sue the student.

In addition to signing a promissory note, the student policyholder must sign a policy-assignment form. If he defaults, the insurance company is made the first beneficiary so that it can collect the unpaid premium and interest.

The insurance company has still another way of assuring itself repayment of that first year's premium and the compound interest on it. Built into the typical college student's policy is a separate savings account, into which deposits are paid automatically. The money comes, of course, as an add-on to the premiums paid by the student after the first year. After five years, or whatever the term of the loan, the balance in the savings account will equal the amount owed. An agent's possession of the savings account. Insurance men recognize the arrangement as a miniature endowment plan, as ultimate beneficiary. For the student, however, it works more like an installment purchase mortgage. Nevertheless, the promissory note makes it appear that he is getting the full use of the borrowed money for a full five years, in reality he is repaying part of it.

Since repayment of the first year's premium depends on the student's paying future premiums, the insurance company has another way to take one further precaution. Their promissory note has built into it an acceleration clause, a type of policy that requires the policyholder to take out another policy. Their promissory note has built into it an acceleration clause, a type of policy that requires the policyholder to take out another policy if the student fails to pay any policy on time, the lender can demand payment of the full amount owing on the entire loan. With the promissory note, he can also readily foreclose on judgment ordering payment.

As with most retail credit agreements, an insurance-policy promissory note may be impossible to cancel. Life insurance is customarily sold for a year at a time. When a student drops a plan, he is required to sign a financing agreement, he is committing himself to buy a full year's protection. A couple insurance companies told CU they would cancel policies upon request and charge only the premium for the policy year, but one of those companies refused to cancel a policy bought by one CU reader. The company submitted written promissory notes that we examined had a provision for refund of premiums during the first year. The policies CU examined tended to be relatively expensive. Typically, the student bought a policy that expired one-half of its insurance in force within the first year. The student may cancel the policy at any time in the first year for full premium. Thew原因是                         

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I ask not for the much-sought crown of fame, 
Nor pray the gods of fate for the delight 
Of hearing men pay hom age to my name. 
But having seen shell-men-gutted by fears, 

Black History Book

FACULTY MEMBER WRITES BLACK HISTORY BOOK

A manuscript, "Black Heroes of the Civil War," has been submitted to publishers by Mrs. Mildred B. Payton, who joined North Carolina Central University's law faculty this fall. She had spent the previous year doing research for the book, which comprises nine stories of Black heroes of the Civil War period. Profiled in the book are those Black heroes who fought with John Brown, William Still under ground railroad agent, Josiah Henson, Sojourner Truth, Harriet Tubman, Robert Smalls, Martin R. Delany, Elizabeth Keckley, Hiram R. Revels, and the Black soldiers who launched the attack on Fort Wagner. In marked departure from traditional "Story of the United States History" or "Black History," the activities of the principal characters are so integrated into the day-to-day life of the book that it is difficult to separate historical significance as to give the reader a panoramic view of the war, and the life and involvement of Black people during this era.

Mrs. Payton spent two years as a Peace Corps Volunteer in Turkey, before serving with the National Teacher Corps in the midwest, where she earned a Master of Teaching degree. Prior to the past year, Mrs. Payton had been a research assistant at Oklahoma State University where she organized the Black Heritage Seminar. During this period she developed a Black History game, "Forty Acres and a Mule," for which a patent application is pending.

CREDO

I ask not for the much-sought crown of fame, 
But having seen shell-men-gutted by fears,

I jest not for the gods of fame and fortune for the delight 

I ask not for the much-sought crown of fame, 
But having seen shell-men-gutted by fears, 

Not for the gods of fame and fortune for the delight

Of hearing men pay homage to my name. 
I seek no undue succor in this game 

I jest not for the gods of fame and fortune for the delight

For that which men of strength and truth call right; 
I clamber not for undeserved acclaim. 

For that which men of strength and truth call right; 
I clamber not for undeserved acclaim.

But having seen shell-men-gutted by fears, 
Minds robbed of will, souls of integrity,

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A Legal Experiment: N. C. Central's High School Education Program

By Samuel S. Goren

Students at North Carolina Central University High School are actively participating in a legal education program designed to introduce junior and senior high school students to the system of law that permeates our entire existence.

Allison R. Washington, Associate Professor of Law, and several law students decided that if they could peel away the jargon of the law school classrooms and put the remaining principles of law in plain English, these principles could be easily communicated to junior and senior high school students.

The enthusiasm of our law students, the high school students, and the teachers who have voiced their intention of accepting the program have been very favorable. At the end of each program phase, the high school students who participated in the program have written evaluations for use in improving the overall program.

The students at N.C. Central's High School will soon be participating in the program. The student coordinators for the program are: Joseph Williams, Mike Lee, Cheri Bryant, Mary Tolton, Sylvester Harris, Ken Ramure, Victor Boone, Gerald Rushe, Tom Portelli, Berni Bacchetta, Allen Masson, Dorothy Bernholz, David Best and Terry Gittelich.

The program is presently in its first phase at Hillside Senior High School. Each Thursday, two law students teach one of seven courses in one-hour sessions. The program will expand to include additional classes in the future.

The thrust of the program is to familiarize high school students with aspects of the law which touch their daily lives. There is no attempt to make lawyers of the high school students.

The program is not a temporary "thing" for us to work with. Its prospects excite young people to the law around them, allow them to ask simple or perplexing questions and have our law students take the law and answer their questions in an informative manner.

Approximately thirty law students signed up to participate in the program.

The Raymond Watkins Chapter of Phi Alpha Delta, International, the foremost legal fraternity, initiated sixteen new members on November 2, 1973. The initiation was held in the Superior Court room of the Durham County Court House. Following the initiation was a complimentary banquet at the Ponder Sterling Steakhouse. At the banquet honors were bestowed upon Dean LaMarquis DeJarnum and Miss Emma Nell Jackson. Miss Jackson received recognition for her diligent and loyal service to the law school community and its law, and environmental quality control.

Previously, the Center is providing staff services to the subcommittee of the North Carolina General Assembly regarding the environment in the State. Third year law student Kenneth McDaniels and Julie Cox are assisting Professor Ratliff in this project.

Book Comments

Race, Racism and American Law by Derrick Bell, Jr.


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NCCU ESTABLISHES HEALTH LAW CENTER

Ernest Ratliff, associate professor of law in the process of establishing a Center for Health Law at NCCU Law School. His purpose is to engage in study, research, teaching and advocacy in the health-legal area. A major aim of the Center is to facilitate and stimulate the development of ethical and workable solutions to the critical issues now demanding resolution in the law of health.

We are the sponsor a series of seminars, lectures, workshops and conferences designed to increase the body of knowledge about medical-legal problems. The Center will explore the feasibility and desirability of establishing a graduate program in health law.

The Center will issue position papers on matters which have been studied by Center staff. A newsletter is scheduled to be issued November 1, 1973.

SOLICITOR INTERN DISCUSS SUMMER PROGRAM

Editor's Note: The NCCU Law School Solicitor/Defender Intern Program has been in existence for almost three years, allowing rising third-year law students the opportunity to apply the principles of law.

Emery Fallwell, Associate Professor of Law is the faculty adviser and Gregory Davis, third-year student, serves as coordinator during the present program.

By G.K. Butterfield

Since June, 1973, I have been working with the Durham County Solicitor's Office under the auspices of the NCCU Law School Solicitor/Defender Intern Program.

I have been serving as an assistant solicitor pursuant to the new third-year law student practice rule promulgated by the North Carolina Supreme Court.

The Solicitor/Defender Intern Program placed 20 senior law students in Durham, Wake and North Hampton counties as solicitor and defender offices throughout the state.

During the first four weeks of the summer program I was assigned to the Durham County Solicitor's Office in the Superior Court to observe court room procedures and to assist the solicitor in his preparation of cases.

As part of my duties in assisting the solicitor, I found and interviewed witnesses, consulted the arresting police officers, researched points of law and made recommendations concerning the disposition of the cases.

After the first four weeks, I

accomplishments

were satisfied. In short the book may be used in law schools and universities. Particular emphasis is placed on the pedagogical utility to stimulate analytical thinking concerning racial injuries. For example, there are seventeen major ethical problems entitled "Racist Hypo behind the facade of a law school, and you will see the law as common sense and common knowledge. Perhaps this sounds like a magic incantation from an alchemist of the middle ages, but it is the basic philosophy of the North Carolina Central University High School Legal Education Program.

Law and Public Policy and the Teaching of Law.

N. C. Central's High School Education Program.

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